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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

O.A. No.195/97

Date of Order:12.11.1998

M.L. Goyal s/o Shri Late Gendi Lal, r/o 35-A 8th E Road Sardarpura, Jodhpur, at present employed on the post of SST (downgraded to STT) in the officer of General Manager, Telecom (West), Jodhpur-342003.

... Applicant

VERSUS

1. The Union of India through Secretary to Govt. of India, Ministry of Communication, Deptt. of Telecom, Sansad Marg, New Delhi.
2. The Director General, Telecommunication, Telecom Commission, Sanchar Bhawan, Ashoka Road, New Delhi.
3. Chief General Manager Telecom, Rajasthan Telecom Circle, Jaipur-302008.

... Respondents

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. K.S. Nahar, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

Per Hon'ble Mr. Gopal Singh

Applicant, M.L. Goyal, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 15.1.1997 (Annex. A/1) and for issuing a direction to the respondents to promote the applicant to the post of SST from the date of down-gradation of the post and allow all consequential benefits.

Gopal Singh

2. Applicant's case is that while working as Supdt. Telegraphs Traffic (for short, STT) in Telegraph Traffic Wing in Telecom Deptmt, the applicant was promoted to officiate as SSTT, Bikaner on ad hoc basis for 180 days vide order dated 28.8.1885 (Annex. A/3) and he joined the promotional post on 4.9.1995. His appointment on the post of SSTT was terminated on 26.2.1996 and he was again promoted w.e.f. 8.4.1996 to the post of SSTT on ad hoc basis. The applicant was again reverted to his original post of STT vide order dated 3.10.1996 (Annex. A/7). The applicant had approached the authorities vide his representation dated 7.10.1996 for his re-promotion to the post of SSTT. While reverting the applicant to his substantive post, he was ordered to look after the work and duties of the post of SSTT without any extra renumerations vide the respondents order dated 3.10.1996 (Annex. A/7). Feeling aggrieved by the action of the respondents, the applicant has approached this Tribunal through the present O.A.

3. Notices were issued to the respondents and they have filed their reply.

4. We have heard the learned counsel for the parties and perused the record of the case.

5. Various instructions issued by the Government of India regarding ad hoc appointment as contained in Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training O.M. No. 28036/8/87-Estt.(D) dated 30.3.1988 (Annex. R/1) are extracted below:

Copy attached

"Departments are required to ensure that all appointments made on an adhoc basis are limited to posts which cannot be kept vacant until regular candidates become available"

x x x x

"(1) The total period for which the appointment/promotion may be made on adhoc basis will be limited to one year only. The practice of giving a break periodically and appointing the same person on an adhoc basis may not be permitted."

x x x x

"However, it may be noted that the continuance of such adhoc appointments including adhoc promotion will be subject to the overall restriction of one year from the date of issue of these instructions."

These instructions were further emphasised by the respondents vide their letter dated 24.1.1995 (Annex. R/2). It is also seen from Annexure A/15 dated 7.6.1996 that the post of SSTM on which the applicant was appointed on ad hoc basis was sanctioned upto 28.2.1997 and the same was down graded w.e.f. the date of reversion of the applicant, i.e. 3.10.1996. The applicant was reverted to his substantive post on 3.10.1996 though the post was sanctioned upto 28.2.1997. The applicant was also ordered to lookafter charge of the post of SSTM vide the respondents order dated 3.10.1996 (Annex. A/7), though without any renumeration. The post has ^{not} been up-graded thereafter. It would be seen from the above that the post of SSTM which the applicant was holding on ad hoc basis was sanctioned upto 28.2.1997 and he was also looking after the charge of this post.

6. In the circumstances, we feel that the applicant can only be entitled to charge allowance for looking after the post of SSTM upto 28.2.1997, beyond which the post of SSTM ceased to exist. However, the applicant cannot claim promotion to the

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post of SSTT as the same does not exist beyond 28.2.1997.

7. The O.A. is, therefore, partly allowed with the directions to the respondents that the applicant be paid charge allowance for the period from 3.10.1996 to 28.2.1997 for looking after the charge of the post of SSTT.

8. Parties are left to bear their own costs.

Gopal Singh

(Gopal Singh)
Administrative Member

31/11/1998
(A.K. Misra)
Judicial Member

Aviator/

Copy of order

Sent to (Coarse)

for Regd by Regd

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23/11/98

Part II and III destroyed
in my presence on 5.4.1996
under the supervision of
section officer () as per
order dated 20.10.1996

Section officer (Record)